



DEP & REF  
Room 3070

OFFICE OF FINANCE  
REFUND DIVISION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2002 MAY 21 PM 4:30  
ATTN: FINANCE DEPARTMENT REFUND DIVISION

In re the Patent Application of FLAD

Serial No.: 09/700,906

Filed: November 22, 2000

For: ANTISENSE OLIGONUCLEOTIDES FOR TREATING PROLIFERATING CELLS

US PATENT & TRADEMARK  
OFFICE

Group Art Unit: Unknown

Examiner: Unknown

**REQUEST FOR REFUND**

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

Our deposit account was erroneously charged \$270 for multiple dependent claims in the above referenced application. However, the preliminary amendment filed with the application on November 21, 2000 changed the dependency of these claims so that NO multiple dependent claims remain. A copy of the preliminary amendment as filed and the postcard receipt are enclosed.

Therefore, the Patent and Trademark Office is requested to make a credit to our deposit account **50-0687** in reference 62-661 in the amount of \$270.

This paper is being submitted in duplicate for the convenience of the Finance Branch.

Respectfully submitted,

Date: 5/17/02

  
\_\_\_\_\_  
Jeffrey S. Melcher

Registration No. 35,950

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MAY 17 2002

DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

661-50303

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.  
PCT/EP99/03451INTERNATIONAL FILING DATE  
20 May 1999PRIORITY DATE CLAIMED  
22 May 1998

TITLE OF INVENTION ANTISENSE OLIGONUCLEOTIDES FOR TREATING PROLIFERATING CELLS

APPLICANT(S) FOR DO/EO/US Flad, Hans-Dieter; Bohle, Andreas; Deinert, Irina

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Amend claims 4-8, 10 and 13 as follows, prior to calculating claim fees and without prejudice:

Claim 4, line 1, delete "bis 3".  
Claim 5, line 1, delete "bis 4".  
Claim 6, line 1, delete "bis 5".  
Claim 7, line 1, delete "bis 6".  
Claim 8, line 1, delete "bis 7".  
Claim 10, line 1, delete "bis 8".  
Claim 13, line 1, delete "oder 12".

The Claims have been amended to remove multiple dependency only.  
No claims have been amended to overcome prior art.

17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 860

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	15 - 20 =	0	X \$18.00
Independent claims	3 - 3 =	0	X \$80.00
			+ \$270.00

\$

\$

\$

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

\$ 990

TOTAL OF ABOVE CALCULATIONS =

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$

SUBTOTAL =

\$ 990

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 130

TOTAL NATIONAL FEE =

\$ 1,120

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$

TOTAL FEES ENCLOSED =

\$1,120

Amount to be refunded:

\$

charged:

\$ 1,120

a. ☒ A check in the amount of \$ 1,120 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0687. A duplicate copy of this sheet is enclosed.  
Under Order No.: 62-661

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 20736

SIGNATURE

Jeffrey S. Melcher

NAME

35,950

REGISTRATION NUMBER